APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,441	02/25/2000	Mark E. Boettcher	10001380-1	7276

			EXAMINER
22879	7590	05/02/2006	BRINICH, STEPHEN M

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ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/513,441	BOETTCHER ET AL.
	Examiner	Art Unit	
	Stephen M. Brinich	2625	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *2/17/06*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,5,7-10,12,13,15-17,26,28,29 and 31-47* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,5,7-10,12,13,15-17,26,28,29 and 31-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☑ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date *2/17/06*.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments, see Response filed 2/17/06 (page 9,

lines 12-20), with respect to the rejection(s)of claim(s) 1-2,

4-5, 7-10, 12-13, 15-18, 20-21, 23-26, 28-29, & 31-33 under 35

USC §103 have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn.   However, upon

further consideration, a new ground(s) of rejection is made in

view of Murphy and Cavill et al.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs

of 35 U.S.C. 102 that form the basis for the rejections under

this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-2, 4-5, 7, 9-10, 12-13, 15, 17, 26, 28-29, 31, &

33-47 are rejected under 35 U.S.C. 102(e) as being anticipated

by Murphy.

Re claims 1-2, 4-5, 35-38, & 41-47, Murphy discloses

(Figures 1-3; column 2, line 66 – column 3, line 3) receiving a

data stream from a content source external to the printer

(Figure 1 item 24), gathering a first portion of data from a

data stream and printing this first portion while continuing to

receive the stream and gathering a second portion of data from

it to be printed later as part of the page (column 2, line 66 –

column 3, line 3; column 6, lines 41-62).

Further re claims 1-2, 4-5, 28-29, 35-38, & 41-47, the

printing method of Murphy includes the steps of: determining the

block size of first portion before print engine starts printing

(column 15, lines 42-44, wherein the threshold value is the

block size in buffer); pinging the content source to calculate

data transfer speed (i.e. link speed) (column 15, lines 48-50

mentions the evaluating of data transfer rate and further in

column 13, lines 26-45 wherein Murphy fully describes the

operation of "pinging" i.e. the transmission of data from the

content source and acknowledgment of receipt by the printer);

and adjusting the block size based on the data transfer speed

(column 11, lines 45-65, column 12, lines 37-55, and column 15,

lines 42-50 describe the calculation of threshold buffer size

based on data transfer speed such that higher data transfer

speed results in larger threshold buffer size); setting a first

block size if data transfer is one speed or a second block size

if data transfer speed is another speed (column 15, lines 42-50

wherein setting the threshold value for the buffer size can be interpreted as the conditional setting of block sizes).

Murphy further discloses (column 11, lines 41-48; column 15, line 42) that this data amount is set for each page, and thus would be adjusted during the printing of a multi-page document (in any case where the calculated data amount for one page differed from that for the preceding page).

Re claims 7, 15, & 39-40, Murphy further discloses (Figure 1, items 22, 34) memory from which each portion of image data is read before being sent on to the printer as part of the above described sequence of data portion reception and printing.

Re claims 9 & 17, Murphy further discloses (Figure 3, items 212-214) the retrieval of as many additional portions of data from the stream as necessary to complete a page and printing them.

Re claims 10 & 12-13, the printing method of Murphy includes the steps of: determining the block size of first portion before print engine starts printing (column 15, lines 42-44, wherein the threshold value is the block size in buffer); pinging the content source to calculate data transfer speed (i.e. link speed) (column 15, lines 48-50 mentions the evaluating of data transfer rate and further in column 13, lines 26-45 wherein Murphy fully describes the operation of "pinging"

i.e. the transmission of data from the content source and acknowledgment of receipt by the printer); and adjusting the block size based on the data transfer speed (column 11, lines 45-65, column 12, lines 37-55, and column 15, lines 42-50 describe the calculation of threshold buffer size based on data transfer speed such that higher data transfer speed results in larger threshold buffer size); setting a first block size if data transfer is one speed or a second block size if data transfer speed is another speed (column 15, lines 42-50 wherein setting the threshold value for the buffer size can be interpreted as the conditional setting of block sizes). This operation is carried out for each page (and thus recalculates the block size during a multi-page print run).

Re claims 26, 28-29, 31, & 33-34, Murphy discloses (Figure 1, item 14) the use of a microprocessor (readable upon the recited "computer") which executes a set of stored instructions to implement the printing arrangement described above re claims 1 & 4-5.

Further re claims 26, 28-29, 31, & 33-34, the printing method of Murphy includes the steps of: determining the block size of first portion before print engine starts printing (column 15, lines 42-44, wherein the threshold value is the block size in buffer); pinging the content source to calculate

data transfer speed (i.e. link speed) (column 15, lines 48-50

mentions the evaluating of data transfer rate and further in

column 13, lines 26-45 wherein Murphy fully describes the

operation of "pinging" i.e. the transmission of data from the

content source and acknowledgment of receipt by the printer);

and adjusting the block size based on the data transfer speed

(column 11, lines 45-65, column 12, lines 37-55, and column 15,

lines 42-50 describe the calculation of threshold buffer size

based on data transfer speed such that higher data transfer

speed results in larger threshold buffer size); setting a first

block size if data transfer is one speed or a second block size

if data transfer speed is another speed (column 15, lines 42-50

wherein setting the threshold value for the buffer size can be

interpreted as the conditional setting of block sizes).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

5.   Claims 8, 16, & 32 are rejected under 35 U.S.C. 103(a) as
being unpatentable over Murphy in view of Cavill et al.

Re claims 8 & 16, Murphy describes the transfer of a first
portion of the data file from a remote content source. Further
re claim 32, Murphy discloses (Figure 1, item 14) the use of a
microprocessor (readable upon the recited "computer") which
executes a set of stored instructions to implement the printing
arrangement described above re claims 1 & 4-5.

However, Murphy does not describe the step of downloading
the data file from a server via an Internet communications
system.

However, Cavill describes the transfer of files between
computers operating within the Internet (column 5, line 5-7).

Murphy and Cavill are combinable because they are from the
same field of endeavor i.e. print job control.

At the time of invention, it would have been obvious to a
person of ordinary skill in the art to combine the teachings of
Cavill with the teachings of Murphy. The suggestion/motivation
for doing so would have been to apply the Murphy printer flow
control arrangement to the printing of documents transferred via
an Internet communications system.

Therefore, it would have been obvious to combine Murphy with Cavill et al to obtain the invention as specified in claims 8, 16, & 32.

Conclusion

6.   Any inquiry concerning the contents of this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430.

Any inquiry relating to the status of this application or proceeding or any inquiry of a general nature concerning application processing should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 703-308-4357.

The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

The examiner's unit designation has been changed from "Art Unit 2624" to "Technology Division 2625" (as of March 20, 2006).

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 571-273-8300 (as of July 15, 2005).

Hand-carried correspondence may be delivered to the

Customer Service Window, located at the Randolph Building, 401

Dulany Street, Alexandria, VA 22314.

Stephen M Brinich
Examiner
Technology Division 2625

smb
April 28, 2006